

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 8 and 12 have been cancelled.

Claim 1 has been amended to clarify that the claimed range of three-dimensional fluctuation of the grain sizes is measured by steps including exposing a plurality of “layers having” sputtering surfaces by slicing the Ag sputtering target in planes parallel to a sputtering starting surface. Basis for this is evident from the description paragraph [0025] that plural sputtering surfaces are exposed by slicing the target in planes parallel to the surface. It is inherent that this exposes a plurality of layers having the sputtering surfaces.

Claims 1-4 and 9 were again rejected under 35 U.S.C. § 102 as being anticipated by Segal. Applicants wish to thank Examiner Yang for the courtesy of an interview on January 21 at which time this rejection was discussed. In particular, Applicants pointed out that the claims recite an Ag sputtering target having a *three-dimensional* fluctuation of grain sizes of not more than 18%, whereas Segal discloses a concern for reducing variations in the dispersion of the grain diameter, but not in three dimensions. Applicants requested clarification of the basis for the anticipation rejection in view of this distinction.

In reply, the examiner stated that he considered the description of a grain size difference “at any location” in the Abstract of Segal to be evidence of a three dimensional variation. Applicants replied, however, that this was only evidence that the measurement position was not important in Segal.

The examiner also noted that the three dimensional fluctuation of grain sizes according to the invention is determined by measuring grain sizes at surfaces of different layers, but that the claims did not explicitly recite measuring grain sizes of the exposed sputtering surfaces *of layers*. While this was already believed to be inherently recited by the step of exposing a plurality of sputtering surfaces by slicing the Ag sputtering target in planes

parallel to a sputtering starting surface, the claims have nonetheless been amended to explicitly recite the layers having the sputtering surfaces. Applicants believe that this amendment addresses the examiners concern as expressed in the interview, and more clearly distinguishes the claims over Segal. The rejection based on Segal is therefore believed to be moot.

Concerning the rejection of Claims 5, 6, 10 and 11 under 35 U.S.C. § 103 as being obvious over Segal in view of JP '433, it is noted that JP '433 was only cited to teach features of these dependent claims, and so it is respectfully submitted that the claims define over any combination of this prior art.

The examiner also indicated in the interview that the prior double patenting rejection based on co-pending application 10/486,913 should have been maintained in the outstanding Office Action. However, it is again noted that these copending claims recite variations in the strength ratio for different crystal orientation strengths. This has no relation to the claimed three dimensional fluctuation in grain sizes -- not strength ratios. This rejection is therefore respectfully traversed.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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